IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No.381/2004.

Date of Decision :24.4.2007...

J.C.Kaistha. ....Petitioner.

Versus:

Union of India and others. ...Respondent.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr.Ajay Sharma, Advocate.

For Respondents. Mr.Ashwani Pathak, Central Govt.Counsel.

Sanjay Karol, J (Oral).

By means of this present writ petition, the petitioner has assailed the orders dated 8th June, 1994 (Annexure:P-3) and subsequent order (undated) (Anneuxre:P-4) whereby the petitioner's disability has been reduced from 50% for two years to 30% for ten years and subsequently 20% for life . Petitioner had assailed the same on the ground that his disability is in fact 50% and no copies of the medical report have been supplied to him. Reply on behalf of the respondents has been filed. Perusal of the entire

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

material placed on record would show that after thorough examination the Medical Board has come to an opinion that the disability of the petitioner is actually 30% and subsequently reduced to 20% . In this view of the matter, the contention of the petitioner cannot be accepted. The petitioner's contention that with the age the disability ought to have increased and not deceased cannot be accepted as it is for the Medical Board to consider the disability depending upon the general health and the attending circumstances of the petitioner. It is settled law that the opinion of the Medical Board cannot be interfered with lightly unless and until the same is perverse or there is error apparent on the face of the record. This is not the case in hand.

For the aforesaid reasons, the present writ petition is dismissed with no order as to costs.

(Sanjay Karol)
Judge.

April 24, 2007(R)